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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09 741,909	12 22 2000	Stefan Boneberg	1748X 49393	6596

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EXAMINER

POPOVICS, ROBERT J

ART UNIT	PAPER NUMBER
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1724

DATE MAILED: 10/23/2002

164

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/741,909

Applicant(s)

Beneburg et al

Examiner

Pepovich

Group Art Unit

1724

— The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address —

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE Three MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- ☐ Responsive to communication(s) filed on 7/15/02
- ☐ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- ☒ Claim(s) 1-26 is/are pending in the application.
- ☐ Of the above claim(s) 14-16 and 20-25 is/are withdrawn from consideration.
- ☐ Claim(s) is/are allowed.
- ☒ Claim(s) 1-13, 17-19 and 26 is/are rejected.
- ☐ Claim(s) is/are objected to.
- ☐ Claim(s) are subject to restriction or election requirement

## Application Papers

- ☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119 (a)-(d)

- ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119 (a)-(d).
- ☐ All ☐ Some\* ☐ None of the:
  - ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_
  - ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a))

\*Certified copies not received: \_\_\_\_\_

## Attachment(s)

- ☐ Intermediate Examination Report
- ☒ Notice of Referenc(es) Cited, PTO-884
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Other \_\_\_\_\_

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## **DETAILED ACTION**

### ***Election/Restriction***

1. Applicant's election of Group I (claims 1-13, 17-19 and 26) in Paper No. 13 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).

2. The Restriction Requirement is made FINAL.

3. Applicant is requested to cancel the non-elected claims.

### ***Claim Rejections - 35 USC § 102***

4. Claims 1-12, 17-18 and 26 are rejected under 35 U.S.C. 102(a) as being anticipated by DE 198 47 985.

See Figures 1-4.

5. Claims 1-7, 9, 12, 17 and 26 are rejected under 35 U.S.C. 102(a) as being anticipated by Autenrieth et al. (6,231,831).

See col. 3, lines 45 - col. 4, line 45.

6. Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over either of DE 198 47 985 or Autenrieth et al. (6,231,831). Claim 19 recites the combination including a filling station. It is submitted that it would have been obvious to employ the device of either of DE 198

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7. Claims 1-8 and 10-12 are rejected under 35 U.S.C. 102(b) as being anticipated by Fukai (5,776,346). See col. 4, lines 1-68.

8. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Connelly (6,083,381), and either of DE 198 47 985 or Autenrieth et al. (6,231,831). Claim 13 differs from the references as applied above, by specifying a filling level indicator. Connelly discloses a fuel filter employing a level indicator. In view this disclosure, it would have been obvious to employ a filling level indicator, in order to know the level of fluid within the chambers.

#### ***Drawings***

9. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the filling level indicator as recited in claim 13 must be shown or the feature(s) canceled from the claim(s). **No new matter may be entered.**

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. **The objection to the drawings will not be held in abeyance.**

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*Response to Arguments*

10. Applicant's arguments with respect to claims 1-13, 17-19 and 26 have been considered but are moot in view of the new ground(s) of rejection.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Popovics whose telephone number is (703) 308-0684.

RJP  
October 21, 2002



ROBERT POPOVICS  
PRIMARY EXAMINER